

## **DECLARATION OF EMERGENCY**

### **Department of Public Safety and Corrections Office of Motor Vehicles**

#### **Compulsory Insurance Enforcement (LAC 55:III.Chapter 17)**

The Office of Motor Vehicles finds that an imminent peril to the public welfare, requires adoption of a Rule upon shorter notice than that provided in R.S. 49:953(A), as provided in R.S. 49:953(B)(1)(a), as uninsured drivers continue to operate motor vehicles, thereby jeopardizing the welfare of law abiding citizens who may be the crash victims of the uninsured drivers, and as the proposed companion permanent Rule cannot be adopted until December 20, 2015 at the earliest, it is necessary to adopt this Emergency Rule to have the additional tool for law enforcement in place until the corresponding permanent rules can be adopted to allow law enforcement to verify liability insurance coverage real-time on the roadside driver's license plate, and for the Office of Motor Vehicles to have the most accurate insurance information available in connection with enforcement of Louisiana's compulsory insurance laws. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and is adopted on the date signed by the undersecretary for the department, and shall take effect August 20, 2015, and be in effect for the maximum period allowed under the law, 120 days, or until adoption of the final Rule, whichever occurs first.

This Emergency Rule adopts LAC 55:III, Chapter 17, Subchapter B, Compulsory Insurance Enforcement, §1751 through §1757 to implement the provisions of R.S. 32:863.2(A)(3) and (4) and R.S. 32:863.2(F)(6). These are completely new Sections.

The current LAC 55:III, Chapter 17, Subchapter B, Specifications for Notification of Initiation, Termination, or Modification of Liability Security, §1750 through §1792 is being repealed in its entirety.

#### **Title 55**

#### **PUBLIC SAFETY**

#### **Part III. Motor Vehicles**

#### **Chapter 17. Compulsory Insurance**

#### **Subchapter B. Compulsory Insurance Enforcement**

#### **§1750. Definitions**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2842 (December 2004), repealed LR 41:

#### **§1751. Specifications for Notification of Initiation, Termination, or Modification of Liability Security**

A. The Department of Public Safety and Corrections, Office of Motor Vehicles, hereby adopts by reference, the Section VII Policies and Procedures, Effective Date: August 20 2015, Specifications for Notification of Initiation, Termination or Modification of Liability Security, hereinafter referred to as the specifications.

B. A copy of these specifications shall be on file at the Division of Administration, Office of the State Register, 1201 North Third Street, Baton Rouge, LA 70802, and copies are available at the Office of Motor Vehicles

Headquarters, 7979 Independence Blvd., Ste. 301, Baton Rouge, LA 70806 or P.O. Box 64886, Baton Rouge, LA 70896.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 41:

#### **§1752. Introduction**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2844 (December 2004), repealed LR 41:

#### **§1753. Guide for Real-Time System to Identify and Verify the Existence of Motor Vehicle Insurance or Other Security**

A. The Department of Public Safety and Corrections, Office of Motor Vehicles, hereby adopts by reference, the Louisiana Insurance Verification System (LAIVS), Implementation Guide for Insurance Providers, effective date: August 20, 2015, hereinafter referred to as the LAIVS Implementation Guide.

B. A copy of the LAIVS Implementation Guide shall be on file at the Division of Administration, Office of the State Register, 1201 North Third Street, Baton Rouge, LA 70802, and copies are available at the Office of Motor Vehicles Headquarters, 7979 Independence Blvd., Ste. 301, Baton Rouge, LA 70806 or P.O. Box 64886, Baton Rouge, LA 70896.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 41:

#### **§1754. General Information**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2845 (December 2004), repealed LR 41:

#### **§1755. Model User Guide for Implementing Online Insurance Verification**

A. The Department of Public Safety and Corrections, Office of Motor Vehicles, hereby adopts by reference, the Model User Guide for Implementing Online Insurance Verification—Using Web Services to verify evidence of auto liability insurance, Version 5.0 April 18, 2012, by the Insurance Industry Committee on Motor Vehicle Administration Effective Date: August 20 2015, hereinafter referred to as the model user guide.

B. A copy of the model user guide shall be on file at the Division of Administration, Office of the State Register, 1201 North Third Street, Baton Rouge, LA 70802, and copies are available at the Office of Motor Vehicles Headquarters, 7979 Independence Blvd., Ste. 301, Baton Rouge, LA 70806 or P.O. Box 64886, Baton Rouge, LA 70896.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 41:

#### **§1756. Manual Filings**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:28:2846 (December 2004), repealed LR 41:

**§1757. Declaratory Orders and Rulings**

**[Formerly §1789]**

A. Any person desiring a ruling on the applicability of R.S. 32:863.2, or any other statute, or the applicability or validity of any rule, to the reporting of initiation and any subsequent change in insurance coverage shall submit a written petition to the assistant secretary for the Office of Motor Vehicles. The written petition shall cite all constitutional provisions, statutes, ordinances, cases, and rules which are relevant to the issue presented or which the person wishes the assistant secretary to consider prior to rendering an order or ruling in connection with the petition. The petition shall be typed, printed or written legibly, and signed by the person seeking the ruling or order. The petition shall also contain the person's full printed name, the complete physical and mailing address of the person, and a daytime telephone number.

B. If the petition seeks an order or ruling on a report submitted to the Office of Motor Vehicles by a security provider, the person submitting the petition shall notify the security provider who submitted the report, if the person submitting the petition is not the security provider. Such notice shall be sent by certified mail, return receipt requested. In such case, the petition shall not be considered until proof of such notice has been submitted to the assistant secretary, or until the person petitioning for the order or ruling establishes that the security provider cannot be notified after a due and diligent effort. The notice shall include a copy of the petition submitted to the assistant secretary.

C. The assistant secretary may request the submission of legal memoranda to be considered in rendering any order or ruling. The assistant secretary or his designee shall base the order or ruling on the documents submitted including the petition and legal memoranda. If the assistant secretary or his designee determines that the submission of evidence is necessary for a ruling, the matter may be referred to a hearing officer prior to the rendering of the order or ruling for the taking of such evidence.

D. Notice of the order or ruling shall be sent to the person submitting the petition as well as the security provider receiving notice of the petition at the mailing addresses provided in connection with the petition.

E. The assistant secretary may decline to render an order or ruling if the person submitting the petition has failed to comply with any requirement in this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1780 (September 1998), repromulgated LR 30:2856 (December 2004), repromulgated LR 41:

**§1758. Fleet Filings**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2846 (December 2004), repealed LR 41:

**§1760. Fee Assessments**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2846 (December 2004), repealed LR 41:

**§1762. Transaction Types and How They Are Used**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2846 (December 2004), repealed LR 41:

**§1764. Disposition Codes**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2847 (December 2004), repealed LR 41:

**§1766. Contact Person Information**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2847 (December 2004), repealed LR 41:

**§1768. Reporting Instructions**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2848 (December 2004), repealed LR 41:

**§1770. General Information**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2848 (December 2004), repealed LR 41:

**§1772. File Transfer**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2848 (December 2004), repealed LR 41:

**§1774. Record Processing**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2849 (December 2004), repealed LR 41:

**§1776. Record Formats**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2849 (December 2004), repealed LR 41:

**§1778. Header Record**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2849 (December 2004), repealed LR 41:

**§1780. Individual Vehicle Filing Record**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2850 (December 2004), repealed LR 41:

**§1782. Approved Reporting Methods**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2852 (December 2004), repealed LR 41:

**§1784. Fleet Filing Record**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2853 (December 2004), repealed LR 41:

**§1786. Trailer Record**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2854 (December 2004), repealed LR 41:

**§1788. Invalid Vehicle Type-Use**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2856 (December 2004), repealed LR 41:

**§1789. Declaratory Orders and Rulings**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1780 (September 1998), repromulgated LR 30:2856 (December 2004), repealed LR 41:

**§1790. Identification Card Specifications**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2856 (December 2004), repealed LR 41:

**§1792. Proof of Liability Security**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2858 (December 2004), repealed LR 41:

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Undersecretary